

## Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 COME-00 INT-05 EB-07 DOTE-00

CG-00 L-03 CIAE-00 INR-07 NSAE-00 DODE-00 /041 W

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R 090730Z AUG 76

FM AMEMBASSY SOFIA

TO SECSTATE WASHDC 1569

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FROM USDEL FOR OES/OFA

E.O. 11652: NA

TAGS: EFIS, BU, US, XN

SUBJECT: PERMIT PROCEDURES UNDER NEW GOVERNING INTERNATIONAL  
FISHERIES AGREEMENTS (GIFA)

1. IN COURSE OF US-BULGARIAN TALKS AND IN RELATED  
DISCUSSIONS WITH USSR AND POLAND EARLIER IN THIS ROUND  
OF NEGOTIATIONS, PRACTICAL QUESTIONS HAVE ARISEN RELATIVE  
TO PERMIT PROCEDURES, WHICH DEPARTMENT MAY WISH TO  
ADDRESS IN SOME DETAIL WITH COMMERCE AND COAST GUARD.  
THEY FALL GENERALLY INTO TWO CATEGORIES: REPLACEMENT  
VESSELS AND CASUAL SUPPORT VESSELS.

2. REPLACEMENT VESSELS. IN SPITE OF THE BEST PLANNING  
AND MAINTENANCE, IT IS THE NATURE OF SHIPS TO BREAK  
DOWN OR OTHERWISE BE UNABLE TO CONDUCT THE FISHING FOR  
WHICH THEY HAVE BEEN ISSUED PERMITS. COUNTRIES  
OPERATING LARGE DISTANT WATER FLEETS MAY NEED TO MAKE  
CHANGES IN DEPLOYMENT OF AUTHORIZED VESSELS FOR A  
VARIETY OF REASONS. P.L. 94-265 PROHIBITS TRANSFER  
OF PERMITS FROM ONE VESSEL TO ANOTHER. THE PERMIT  
APPROVAL PROCEDURE IS ESTIMATED TO TAKE AT LEAST  
NINETY DAYS--FORTY-FIVE OF WHICH ARE A STATUTORY  
DELAY. YET, HAVING MADE AN ALLOCATION OF SURPLUS  
PURSUANT TO A GIFA, THE US ASSUMES SOME OBLIGATION

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TO MAKE IT POSSIBLE TO CATCH THAT ALLOCATION.

RECOGNIZING THAT EFFORT LIMITATION MAY BE ONE OF THE PRIMARY MANAGEMENT MEASURES IMPOSED, HOW CAN THIS PROBLEM BE SOLVED? CAN THE COUNTRY PERHAPS APPLY IN ADVANCE FOR A NUMBER OF "STANDBY" PERMITS, FOR EXAMPLE, WHICH COULD ONLY BE UTILIZED UPON WITHDRAWAL FROM THE FISHERY OF A PRIMARY VESSEL? IS THERE SOME OTHER WAY, BY REGULATION, WHEREBY SUBSTITUTE PERMITS MIGHT BE ISSUED IN A SHORT TIME FRAME?

3. CASUAL SUPPORT VESSELS. SEVERAL COUNTRIES UTILIZE THE SERVICES OF TRANSPORTS AND TANKERS, FREQUENTLY OF THIRD FLAG BY CHARTER OR CONTRACT, TO RESUPPLY FISHING VESSELS OR TO REMOVE PROCESSED PRODUCT FOR DELIVERY TO MARKET. SUCH ACTIVITY MAY BE ONLY SMALL PART OF THE VESSEL'S COMPLETE ITINERARY. REMAINDER OF ITINERARY MAY BE COMPLETELY UNRELATED TO FISHERIES. UNDER THE LAW, THESE VESSELS MUST HAVE PERMITS. IS THERE A WAY TO ACCOMMODATE SUCH VESSELS THROUGH SOME SORT OF ABBREVIATED PERMIT SYSTEM WHICH MIGHT INCLUDE A PRIOR, GENERAL APPROVAL OF REGIONAL COUNCILS FOR THIS CLASS OF ACTIVITY?

4. BOTH QUESTIONS ARE CLEARLY RELATED TO THE ECONOMICS OF FISHING AND TO, FOR EXAMPLE, THE BULGARIANS' CONCERN THAT EVEN WHEN AN ALLOCATION HAS BEEN MADE, THE RESTRICTIONS ON PERMIT ISSUANCE AND THE RESTRICTIONS IN THE BODY OF THE PERMIT ITSELF MIGHT MAKE IT IMPRACTICABLE TO TAKE THE ALLOCATION.

5. US DEL RECOGNIZES THAT THESE ISSUES WILL NOT BE RESOLVED IN TIME FOR CURRENT TALKS, BUT SUGGESTS EARLY APPROACH TO RESOLUTION BEFORE NEXT SERIES OF NEGOTIATIONS.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DIPLOMATIC DISCUSSIONS, NEGOTIATIONS, FISHING AGREEMENTS, FISHING REGULATIONS, FISHING BOATS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 AUG 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976SOFIA01666  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760305-0817  
**From:** SOFIA  
**Handling Restrictions:** n/a  
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**Line Count:** 96  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION OES  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 08 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <08 APR 2004 by greeneet>; APPROVED <03 AUG 2004 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PERMIT PROCEDURES UNDER NEW GOVERNING INTERNATIONAL FISHERIES AGREEMENTS (GIFA)  
**TAGS:** EFIS, BU, US, XN, UR, PL  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006